

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GILBERT SEGAL JR., :  
Plaintiff, :  
v. :  
NEW YORK MILITARY ACADEMY (ALL :  
ENTITIES INCLUDING, BUT NOT :  
LIMITED TO INSURANCE :  
REPRESENTATIVES, ETC); THE :  
NATIONAL ASSOCIATION OF :  
INDEPENDENT SCHOOLS; RESEARCH :  
CENTER ON NATURAL CONSERVATION :  
INC.; ASSOCIATION OF MILITARY :  
COLLEGES AND SCHOOLS OF THE :  
UNITED STATES; JROTC ARMY; NEW :  
YORK DEPT. OF EDUCATION; SUN FIN :  
HOLDINGS; and MIDDLE STATES :  
ASSOCIATION OF COLLEGES AND :  
SCHOOLS, :  
Defendants. :  
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ORDER

21 CV 6872 (VB)

6/7/22  
Copies Mailed/Faxed  
Chambers of Vincent L. Briccetti DH

On April 22, 2022, defendants New York Military Academy and Research Center on Natural Conservation Inc. (together, the “NYMA Defendants”), moved to dismiss the second amended complaint. (Doc. #30). On June 3, 2022, plaintiff, who is proceeding pro se, filed his opposition to the NYMA Defendants’ motion to dismiss (Docs. ##32, 33), but also moved for leave to amend the second amended complaint. (Doc. #34). Also on June 3, plaintiff moved to extend his time to serve defendants Association of Military Colleges and Schools of the United States, JROTC Army, the National Association of Independent Schools, New York Dept. of Education, Sun Fin Holdings, and Middle States Association of Colleges and Schools (the “Unserved Defendants”) with the summons and second amended complaint (Doc. #35).

Plaintiff’s motion for leave to amend the second amended complaint is GRANTED. District courts generally should grant a self-represented plaintiff an opportunity to amend a complaint to cure its defects unless amendment would be futile. See Hill v. Curcione, 657 F.3d 116, 123–24 (2d Cir. 2011); Salahuddin v. Cuomo, 861 F.2d 40, 42–43 (2d Cir. 1988). Because plaintiff seeks to amend to allege additional facts relevant to his claims, the Court grants plaintiff’s application.

**Plaintiff shall file the third amended complaint by July 7, 2022.**

Within 21 days of such amendment, the NYMA Defendants may either file an answer to the third amended complaint, or file a motion to dismiss the third amended complaint.

The NYMA Defendants' motion to dismiss the second amended complaint is DENIED WITHOUT PREJUDICE.

Plaintiff's application for an extension of time to serve the Unserved Defendants is also GRANTED. Plaintiff's time to serve the Unserved Defendants is extended until sixty days after plaintiff files the third amended complaint.

The Clerk shall terminate the motions. (Docs. ##30, 34, 35).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: June 7, 2022  
White Plains, NY

SO ORDERED:



Vincent L. Briccetti  
United States District Judge